

AMENDED IN ASSEMBLY AUGUST 23, 2004

AMENDED IN ASSEMBLY JUNE 23, 2004

AMENDED IN ASSEMBLY JUNE 15, 2004

AMENDED IN ASSEMBLY MAY 27, 2004

AMENDED IN SENATE APRIL 13, 2004

---

---

**SENATE BILL**

**No. 1210**

---

---

**Introduced by Senator Torlakson**  
**(Coauthor: Senator Ducheny)**  
(Coauthor: Assembly Member Bates)

February 10, 2004

---

---

*An act to amend Section 217 of, and to add and repeal Sections 217.7, 217.8, and 217.9 of, the Streets and Highways Code, relating to highways.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1210, as amended, Torlakson. ~~Transportation financing; alternate methods~~ *Design-sequencing contracts.*

Existing law authorizes the Department of Transportation until January 1, 2005, to conduct a pilot project to let design-sequencing contracts, as defined, for the design and construction of not more than 12 transportation projects, to be selected by the Director of Transportation.

~~This bill would state the Legislature's intent to explore the use of alternate financing methods for transportation projects~~ *establish a phase 2 of this pilot project that would be in effect until January 1, 2010. The bill would require the director to consider selecting projects that*

improve interregional and intercounty routes. This bill would make its operation contingent on both AB 3048 and SB 1793 being enacted and becoming effective on or before January 1, 2005.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. It is the intent of the Legislature to explore the~~  
2     SECTION 1. Section 217 of the Streets and Highways Code is  
3     amended to read:  
4     217. For purposes of this article, the following terms have the  
5     following meanings. The following definitions apply for the  
6     purposes of this article:  
7     (a) “Design” is a plan completed to a level of 30 percent.  
8     (b) “Design-sequencing” is a method of contracting that  
9     enables the sequencing of design activities to permit each  
10    construction phase to commence when design for that phase is  
11    complete, instead of requiring design for the entire project to be  
12    completed before commencing construction.  
13    ~~(b)~~  
14    (c) A “design-sequencing contract” is a contract between the  
15    department and a contractor that requires the department to  
16    prepare a design and permits construction of a project to  
17    commence upon completion of design for a construction phase.  
18    ~~(c) “Design” is a plan completed to a level of 30 percent.~~  
19    (d) This section shall remain in effect only until January 1,  
20    ~~2005~~ 2010, and as of that date is repealed, unless a later enacted  
21    statute, that is enacted before January 1, ~~2005~~ 2010, deletes or  
22    extends that date.  
23    SEC. 2. Section 217.7 is added to the Streets and Highways  
24    Code, to read:  
25    217.7. (a) Notwithstanding Chapter 1 (commencing with  
26    Section 10100) of Part 2 of Division 2 of the Public Contract Code,  
27    except Section 10128 of that code, and Chapter 10 (commencing  
28    with Section 4525) of Division 5 of Title 1 of the Government Code,  
29    the department may conduct a phase two pilot program to let  
30    design-sequencing contracts for the design and construction of not  
31    more than 12 transportation projects, to be selected by the director.

1 *For the purpose of this article, these projects shall be deemed*  
2 *public works.*

3 *(b) In selecting projects for the pilot program authorized under*  
4 *subdivision (a), the director shall attempt to balance geographical*  
5 *areas among test projects as well as pursue diversity in the types*  
6 *of projects undertaken. In this process, the director shall consider*  
7 *selecting projects that improve interregional and intercounty*  
8 *routes.*

9 *(c) To the extent available, the department shall seek to*  
10 *incorporate existing knowledge and experience on*  
11 *design-sequencing contracts in carrying out its responsibilities*  
12 *under subdivision (a).*

13 *(d) This section shall remain in effect only until January 1,*  
14 *2010, and as of that date is repealed, unless a later enacted statute,*  
15 *that is enacted before January 1, 2010, deletes or extends that date.*

16 *SEC. 3. Section 217.8 is added to the Streets and Highways*  
17 *Code, to read:*

18 *217.8. (a) Not later than July 1, 2006, and July 1 of each*  
19 *subsequent year during which a contract under the phase two pilot*  
20 *program, as described in Section 217.7, is in effect, the department*  
21 *shall prepare a status report on its contracting methods,*  
22 *procedures, costs, and delivery schedules. Upon completion of all*  
23 *design-sequencing contracts, but in no event later than January 1,*  
24 *2010, the department shall establish a peer review committee to*  
25 *prepare a report for submittal to the Legislature that describes and*  
26 *evaluates the outcome of the contracts provided for in Section*  
27 *217.7, stating the positive and negative aspects of using*  
28 *design-sequencing as a contracting method.*

29 *(b) This section shall remain in effect only until January 1,*  
30 *2010, and as of that date is repealed, unless a later enacted statute,*  
31 *that is enacted before January 1, 2010, deletes or extends that date.*

32 *SEC. 4. Section 217.9 is added to the Streets and Highways*  
33 *Code, to read:*

34 *217.9. Design-sequencing contracts under the phase two pilot*  
35 *program, as described in Section 217.7, shall be awarded in*  
36 *accordance with all of the following:*

37 *(a) The department shall advertise design-sequencing projects*  
38 *by special public notice to contractors.*

1     **(b)** *Contractors shall be required to provide prequalification*  
2 *information establishing appropriate licensure and successful*  
3 *past experience with the proposed work.*

4     **(c)** *This section shall remain in effect only until January 1,*  
5 *2010, and as of that date is repealed, unless a later enacted statute,*  
6 *that is enacted before January 1, 2010, deletes or extends that date.*

7     **SEC. 5.** *This act shall become operative only if both Assembly*  
8 *Bill 3048 of the 2003–04 Regular Session and Senate Bill 1793 of*  
9 *the 2003–04 Regular Session are enacted and become effective on*  
10 *or before January 1, 2005.*

11 ~~use of alternate methods of financing and delivering transportation~~  
12 ~~projects in this state, including design build, design sequencing,~~  
13 ~~and various forms of private financing, including toll charges.~~

